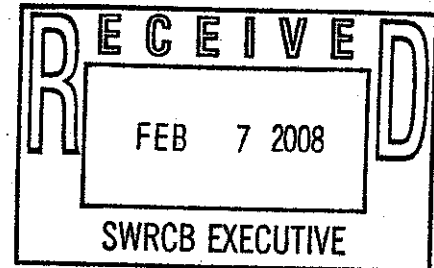


VIA ELECTRONIC MAIL

February 6, 2008

Tam Doduc, Chair, and Members
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

ATTN: Jeanine Townsend, Clerk to the Board
commentletters@waterboards.ca.gov



SUBJECT: WATER QUALITY ENFORCEMENT WORKSHOP - 2/19/08

Dear Chair Doduc and Members:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to provide comments on the proposed revisions to the Policy.

We agree with the comments expressed in the CASA letter. We also agree with the stated intent of the Policy, to "create a framework for identifying and investigating instances of noncompliance, for taking enforcement actions that are appropriate in relation to the nature and severity of the violation, and for prioritizing enforcement resources to achieve maximum environmental benefits."

EBMUD, like most municipal dischargers, operates in compliance over 99% of the time yet periodically has permit exceedances. We have had the opportunity to utilize a Supplemental Environmental Project (SEP) a number of times and believe they are exceedingly valuable and need to be maintained, particularly for public agencies to have the opportunity to utilize ratepayers' monies to directly benefit the public and local community through local projects.

As an example, in 2006 EBMUD had a sanitary sewer overflow into the Oakland inner harbor area. As part of the enforcement action by the San Francisco Bay Regional Water Quality Control Board, EBMUD entered into an SEP agreement to investigate the costs and water quality benefits of diverting urban stormwater runoff to the sewer. This project will add a significant body of knowledge to the technical understanding of stormwater diversions to the sewer and will provide immediate quantifiable benefits to San Francisco Bay with the actual diversions during this study.

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If the SEP provisions, as identified in the draft Enforcement Policy, essentially limiting 25% of a monetary penalty to a SEP, along with other restrictions the draft Policy imposes, it is unlikely this project would have moved forward. We do not feel this would be in the best interest of our local community, or the State. EBMUD does not support any cap to the SEP provisions and, instead suggests SEP proposed projects be reviewed on their own merits against objective criteria that have been developed in an open transparent manner.

Sincerely,

A handwritten signature in cursive script that reads "David R. Williams".

DAVID R. WILLIAMS
Director of Wastewater

DRW:BKH:akg

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